

Docket No.: CL-10271
Application No.: 10/813,188
Amendment Date: July 3, 2006
Reply of Office Action of: March 1, 2006

RESPONSE TO OBJECTION TO THE DRAWINGS

The claim terminology “diffusion member” has been deleted from the claims.
Therefore, the basis for the objection has been obviated.

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REMARKS

Claims 1-10 are currently pending in the application. Applicants have amended claims 1-2 and 6-7. Applicants request reconsideration of the application in light of the following remarks.

Telephone Interview

Applicants' agent wishes to thank the Examiner for his courtesy and time during a telephone interview that was held on June 29, 2006. The Examiner's comments and insight were very helpful in preparing this response. It is hoped that the comments below reflect the spirit of the interview.

Amendment To Title

Applicants hereby declare that the amendment to the title is made for the purpose of clarifying the title of the claimed invention, and that this change shall not be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

Objection to the Drawings

The drawings have been objected to under 37 CFR 1.83(a) for failing to show a "diffusion member" as recited in claims 6 and 7. Applicants have deleted the term "diffusion member" from the claims. No new matter was entered. Applicants believe that every feature of the invention specified in the claims is now shown in the drawings and respectfully request that the Examiner withdraw the objection to the drawings.

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Objections to the Specification

The specification has been objected to for containing informalities. The title was objected to as not being descriptive. Furthermore, the abstract of the disclosure did not meet the maximum number of words requirement. Applicants have amended the specification to address the Examiner's concerns by including additional specifics in the title at each of its occurrences in the specification. Furthermore, Applicants have deleted a major portion of the abstract and placed the matter of that portion at a place in the specification where it flows nicely with the surrounding disclosure. Minor additions were made to the abstract. The material added was substantially the same as was previously in the abstract, but stated more concisely. No new matter has been added by the amendments to the specification. Therefore, Applicants respectfully request that the Examiner enter the amendment to the specification and withdraw the objection to the specification.

Rejections under 35 U.S.C. §103

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based upon the Applicants' disclosure. A failure to meet any one of these criteria is a failure to establish a *prima facie* case of obviousness. MPEP §2143.

Claims

Claims 1 and 6 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Winsor (U.S. Patent No. 5,319,282, hereinafter "Winsor"), in view of

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Vollkommer et al. (U.S. Patent No. 6,246,171, hereinafter "Vollkommer"). Applicants respectfully traverse this rejection and request reconsideration of the claims.

The Examiner's rejection is not well taken. Even if the lamp of Winsor has a frame as construed by the Examiner, Winsor's device is so structurally distinct from the secondary reference that it is impossible for the combination to be made. There is no motivation for the combination, and it is unclear what components would be replaced and how the resulting device might function at all after any such combination.

In this regard, it is noted that Winsor has planar electrodes 22, 24 as admitted by the Examiner on page 4, lines 1-2 of the Office action. The Examiner admits that Winsor lacks electrodes that include a discharge electrode and a plurality of subsidiary electrodes as recited in claims 1 and 6, and lists as a motivation to reduce power consumption. However, Winsor teaches reduced power consumption in column 5, lines 36-38, which states that "[i]n one embodiment, the drive frequency is at 25 kHz at 700 volts, but only 13 watts of power is required, thus resulting in very low current". Therefore, the motivation for combining listed by the Examiner is already met by Winsor obviating any need or motivation for combining.

Furthermore, even if there were a motivation to combine Vollkommer with the base reference of Winsor, it is not clear how this would structurally be accomplished without interfering with the proper function of the device of Winsor. In other words, the combination proposed by the Examiner would destroy the primary reference. Were the electrodes of Vollkommer to be used in place of the planar electrodes of Winsor, the capacitive characteristics from one substrate to the other, which is a thrust of the reference to Winsor, would be lost together with its advantages. If the electrodes of Vollkommer were to be added to the device of Winsor, then they would get in the way of the capacitive function of the planar electrodes 22 and 24 of Winsor. Overall, the distinct structures of the electrodes of Winsor and Vollkommer are divergent, and tend away from any combination with regard to the respective electrodes of Winsor and Vollkommer.

Additionally and perhaps more importantly, even if the references could be properly

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combined, they fail to meet all of the limitations of claims 1 and 6. Each of claims 1 and 6 recite that the electrodes, discharge electrodes, and subsidiary electrodes are all “on an outer surface” no less than three times throughout each of claims 1 and 6. Neither Winsor nor Vollkommer has the electrodes on outer surfaces. Furthermore, even if the references were combined, there is no teaching in either of the references that would suggest aligning the subsidiary electrodes with partitions or positioning the subsidiary electrodes in directly overlying relation to the partitions as now recited. Therefore, the combination is improper and fails to provide each and every claimed element as required under 35 USC 103.

Claims 2-3 and 8 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Winsor (U.S. Patent No. 5,319,282, hereinafter “Winsor”), in view of Amatsuchi et al. (U.S. Patent Application Pub. No. 2002/0063523, hereinafter “Amatsuchi et al.”). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Winsor has the same faults as discussed above including the fact that Winsor has planar electrodes 22 and 24 so that addition of electrodes X1a, X1b, Y1a, and Y1b of Amatsuchi will interfere with the planar electrodes 22 and 24 of Winsor.

Furthermore, the subsidiary electrodes Y1a and X1a are not located “on an outer surface” as recited in claim 2.

Still further, there is no teaching in either Winsor or Amatsuchi for aligning a contour of the subsidiary electrodes with the partitions as now recited in claim 2.

Still further, even with the first and second subsidiary elements of Amatsuchi defined as set forth by the Examiner, the second subsidiary electrodes (portions of Y1a, X1a) are not connected to “inner” edges of both the first subsidiary electrodes. Rather, they are clearly connected to outer edges of the portion defined as the first subsidiary electrode.

Still further, there is no teaching in the references of separate connection of the discharge and subsidiary electrodes to an inverter. Rather, it appears that all of the electrodes

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of Amatsuchi are electrically interconnected to each other.

Still further, claim 2 recites “the second subsidiary electrodes of both the subsidiary electrodes being alternately connected to inner edges of both the first subsidiary electrodes”. Moving along any one of the substrates from right to left, it appears that the second subsidiary electrodes are connected simultaneously and not alternately connected.

Thus, the combination of Amatsuchi with Winsor is improper and the combination fails to provide all of the claimed elements. Therefore, claim 2 is considered to be allowable over the prior art. Claims 3 and 8 are considered to be allowable as depending from allowable base claim 2 and for further patentable details therein as may be appreciated by the Examiner.

Claims 4 and 9 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Winsor (U.S. Patent No. 5,319,282, hereinafter “Winsor”), in view of Vollkommer et al. (U.S. Patent No. 6,246,171, hereinafter “Vollkommer”) in further view of Shimizu et al. (U.S. Patent Application Pub. No. 2002/0030437, hereinafter “Shimizu”). Applicants respectfully traverse this rejection and request reconsideration of the claims.

Claims 4 and 9 are considered to be allowable as depending from allowable base claims 1 and 6 and for further patentable details therein as may be appreciated by the Examiner.

Claims 5 and 10 rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over Winsor (U.S. Patent No. 5,319,282, hereinafter “Winsor”), in view of Amatsuchi et al. (U.S. Patent Application Pub. No. 2002/0063523, hereinafter “Amatsuchi et al.”) in further view of Shimizu et al. (U.S. Patent Application Pub. No. 2002/0030437, hereinafter “Shimizu”). Applicants respectfully traverse this rejection and request reconsideration of the claims.

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Claims 5 and 10 are considered to be allowable as depending from allowable base claims 2 and 7 and for further patentable details therein as may be appreciated by the Examiner.

Applicants respectfully request that the obviousness rejections of claims 1-6 and 8-10 be withdrawn.

Indication of Allowable Subject Matter

The Examiner indicated the allowability of the scope and subject matter of claim 7 by apparently not rejecting this claim. Although the listing of the claims to be rejected on the summary sheet includes claim 7, no paragraph rejects claim 7 under 35 USC 102 or 103. Claim 7 is independent and is not objected to for form or clarity issues. Claim 7 also clearly has matter that is not taught or suggested in the prior art relied upon. For example, claim 7 recites that the electrodes are on an outer surface of the substrates, which does not appear to be disclosed anywhere in the prior art. Thus, it appears that the Examiner has implicitly indicated that claim 7 is allowable. Therefore, Applicants wish to thank the Examiner for this indication of allowable subject matter. On the other hand, in the interview, the Examiner indicated that she believes that she intended to reject claim 7 in a manner similar to the other rejections. Therefore, Applicants have amended claim 7 to include that the subsidiary electrode is “disposed at a predetermined spacing from an adjacent one of the discharge electrodes while being in parallel therewith”. Also claim 7 has been amended to recite the “plurality of second subsidiary electrodes which are mounted in positions that are aligned with the partitions”. These claimed features are considered to be allowable for similar reasons to those set forth in the response to the Rejections set forth above. Therefore, claim 7 is considered to be allowable and notice of the same is earnestly solicited.

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Regarding Doctrine of Equivalents

Applicants hereby declare that any amendments herein that are not specifically made for the purpose of patentability are made for other purposes, such as clarification, and that no such changes shall be construed as limiting the scope of the claims or the application of the Doctrine of Equivalents.

CONCLUSION

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

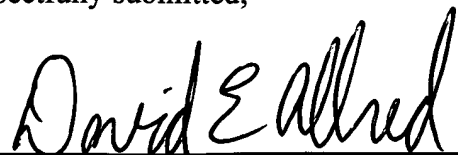
It is requested that a one-month extension of time be granted for the filing of this response, and the appropriate extension filing fee of \$60.00 is enclosed herewith.

The amendments herein added no new claims, resulting in no new fees due.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

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